

**Chapter 22.07**

**COVENANTS OF EASEMENT**

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**22.07.010 Creation of Easements.**

Pursuant to Article 2.7 (commencing with Section 65870) of Chapter 4 of Division 1 of Title 7 of the Government Code, which authorizes any city to adopt an ordinance for the imposition of covenants of easements, each City official or agency with authority to issue or approve a land use or development permit shall have authority to require recordation of covenants of easement to assure compliance with any conditions of approval and any other requirement of law. A covenant of easement required pursuant to this Chapter may be for parking, ingress, egress, emergency access, light and air access, landscaping, or open space purposes or a combination of the aforementioned purposes. For purposes hereof, "land use or development permit" shall include, but not be limited to, a grading permit, building permit, development plan approval, specific plan approval, conditional use permit, variance, modification, architectural design approval and all similar permits and approvals for the use of development of land. (Ord. 4454, 1987.)

**22.07.020 Common Ownership.**

A covenant of easement created pursuant to this Chapter shall only be effective if at the time of its recordation, all of the real property benefited or burdened by the covenant shall be in common ownership. (Ord. 4454, 1987.)

**22.07.030 Effective Date, Duration.**

The covenant of easement shall be effective when recorded and shall act as an easement pursuant to Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the Civil Code, except that it shall not merge into any other interest in the real property. Section 1104 of the Civil Code shall be applicable to conveyance of the affected real property. A covenant or easement authorized by this Chapter may not be terminated except as authorized by Section 22.07.070. (Ord. 4454, 1987.)

**22.07.040 Identification of Easement and Approval.**

A covenant of easement recorded pursuant to this Chapter shall describe the real property to be subject to easement and the real property to be benefited thereby and shall identify the approval, permit, or designation granted which relied upon or required the covenant. (Ord. 4454, 1987.)

**22.07.050 Runs with Real Property.**

A covenant executed pursuant to this Chapter shall be enforceable by the successors in interest to the real property benefited by the covenant, the City and any person authorized to enforce it by the City. (Ord. 4454, 1987.)

**22.07.060 Recordation.**

The covenant of easement (i) shall be recorded in the official records of the County of Santa Barbara, (ii) shall contain a legal description of the real property, and (iii) shall be executed by the owner of the real property. From and after the time of its recordation, the covenant shall impart notice thereof to all persons to the extent afforded by the recording laws of this state. Upon recordation, the burdens of the covenant shall be binding upon, and the benefits of the covenant shall inure to, all successors in interest to the real property. (Ord. 4454, 1987.)

**22.07.070 Procedure for Release of Covenant.**

A. RELEASE. Any owner of property which is burdened or benefited by the covenant of easement may file an application for the release of its covenant. The application shall be filed with the Community Development Department on forms approved by that Department, shall contain the information required by the Department and be accompanied by all applicable processing fees. The Community Development Department shall review said application and shall make a recommendation to the Planning Commission which shall conduct a hearing on said application. Upon a determination that the restriction of the property is no longer necessary to achieve the land use goals of the City, the Planning Commission shall direct the Community Development Director to record a release of the covenant.

B. APPEAL TO CITY COUNCIL. Any decision of the Planning Commission under this Section may be appealed to the City Council by filing a notice of appeal with the City Clerk and making payment of all required appeal fees within ten days after the decision of the Planning Commission. (Ord. 4454, 1987.)

**22.07.080 Fees.**

The City Council may, by resolution, establish fees for filing applications, processing covenants of easement and releases thereof and any other matters related to this Chapter. (Ord. 4454, 1987.)